

POLICY

TITLE:	GIFTS AND BENEFITS POLICY (COUNCIL STAFF)		
DIVISON:	CORPORATE SERVICES DIRECTORATE		
ADOPTED BY:	COUNCIL		
DATE OF ADOPTION:	JULY 2021	DATE OF REVIEW:	JULY 2026
MOTION NUMBER:	OC 98/21		
POLICY NUMBER:	CP67		
LEGISLATIVE REF:	Regulation 6(1)(h) of the Local Government (General) Regulations 2021		

PURPOSE:

The purpose of this policy is to set out the requirements for council staff members receiving gifts or benefits and disclosing relevant gifts or benefits.

1. DEFINITIONS

Nominal value means gifts or benefits totalling less than \$50 from the same donor or an associate of the donor in a financial year.

2. PRINCIPLES

- (a) Council staff must, at all times, discharge official duties, responsibilities and obligations impartially and with integrity in relation to receiving, accepting and disclosing gifts or benefits.
- (b) Council staff must not solicit or accept gifts and/or benefits above the nominal value of \$50.00
- (c) Council staff must not accept a gift or benefit from any person or organisation, which may be perceived by a reasonable person to influence the staff member's performance of official duties, responsibilities and obligations.
- (d) A benefit includes entertainment or hospitality.
- (e) For the purpose of this policy a gifts and benefits also include gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

3. APPLICATION

3.1 Relevant gifts or benefits

A relevant gift or benefit is a gift or benefit that exceeds the nominal value and includes:

- (a) gift or benefit received for the Council and accepted by a staff member; or
- (b) gift or benefit received and accepted by a staff member for the staff member or another person.

3.2 Exemptions from disclosure

Then following gifts and benefits are exempt from disclosure:

- (a) a gift or benefit given to a staff member in a private capacity for personal use by the staff member or another person – unless the gift or benefit may be perceived by a reasonable person to improperly influence the performance of official duties, responsibilities or obligations;
- (b) a protocol gift (gift or benefit that is primarily for diplomatic, ceremonial or symbolic purposes and are not be sold or otherwise transferred, unless in diplomatic, ceremonial or symbolic circumstances) given to a staff member for the Council;
- (c) a gift or benefit given to a staff member for the Council in relation to its status as a body corporate where no single individual is considered to be the recipient of the gift or benefit; or
- (d) food, hospitality or accommodation included in the attendance of meetings, conferences, training courses, functions or other events that have been paid for by the Council and are directly relevant to the performance of the staff member’s official duties, responsibilities or obligations.

3.3 Rejecting gifts or benefits

- (a) If a staff member is offered a gift or benefit that is not exempt, the staff member should reject the gift or benefit by returning it to the donor or refusing it and respectfully explaining to the donor that acceptance of the gift or benefit would breach council policy.
- (b) Any gift or benefit offered to a staff member should be notified to the CEO, as soon as practicable.
- (c) If it is not possible (or highly impractical) to return or refuse a gift or benefit, a staff member must seek the CEO’s permission to appropriately deal with the gift or benefit, or
- (d) Staff member may consider accepting and then immediately redirecting the gift. For example, if a staff member received a gift basket containing food that would spoil if not consumed soon, the staff member may redirect the gift basket to a local charity. Such redirection should also be documented.

3.4 Disclosure of relevant gifts or benefits

- (a) A staff member must notify the CEO if the staff member is offered any gift or benefit, with the following details:
- the name of the donor (person or organisation) offering the gift or benefit;
 - the date the gift or benefit was offered;
 - a description of the gift or benefit;
 - the value (or estimated value) of the gift or benefit;
 - whether the gift or benefit is for the staff member or another person (including the full name and relationship of the person to the staff member, if applicable);
 - the reason for the gift or benefit;
 - whether the staff member rejected or proposes to accept the gift or benefit; and
 - any other relevant details.
- (b) Where the value of a gift or benefit is estimated, a description of the basis of the estimate should also be included (e.g. website search term or website link to the gift or a similar gift). There may be times where it is difficult to accurately estimate the value. If so, this can also be mentioned.
- (c) After the CEO has been notified, the CEO is to record the information in a register for staff gifts and benefits, including specifying whether the gift was in fact rejected or accepted by the staff member.

4. RELEVANT LEGISLATION, STANDARDS, POLICIES AND FORMS

Local Government Act NT (2019)

Barkly Regional Council Register of declared gifts and benefits

Local Government (General) Regulations 2021

5. EVALUATION AND REVIEW

Within six (6) months of a new term of Council.

Acknowledgement

I, _____ (*Print full name*) have read and understood the Barkly Regional Council Gifts and Benefits Policy I agree to abide by this code which is outlined above.

Employee signature: _____ Date signed: _____